

### **REMARKS**

The final Office Action mailed November 21, 2006 has been reviewed and these remarks are responsive thereto. Claims 1, 18, 28 and 43 have been amended to include subject matter indicated as allowable in dependent claims 5, 20, 29 and 46. Claims 2, 4-17, 19-20, 22-27, 29-33, 44-51 have been cancelled without prejudice or disclaimer. Upon entry of this Amendment, claims 1, 18, 28 and 43 will remain pending in this application. Applicant respectfully requests allowance of the instant application.

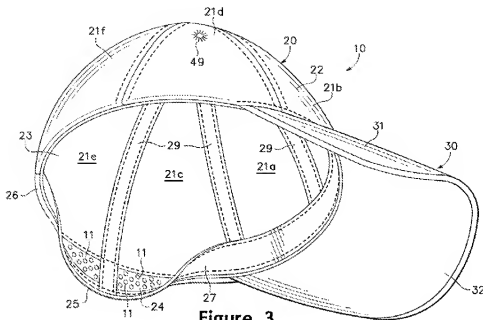
#### **I. Allowable Subject Matter**

Applicant acknowledges, with thanks, the Examiner's indication of allowable subject matter in claims 5, 20, 29 and 46. As discussed with the Examiner in our telephone interview of April 19, 2007, the subject matter of these claims has been included in independent claims 1, 18, 28 and 43, respectively. Accordingly, Applicant asserts that these claims are allowable.

#### **II. Objections to the Specification**

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Office identifies the phrase "defining a plurality of apertures extending through the strip to expose portions of the first elastic material" from claims 1, 18, and 28, as not discussed in the specification. Applicant respectfully disagrees.

For example, as discussed with the Examiner, paragraph 32 of the specification describes the use of a screen printing process to form a plurality of perforations 11 in strip 24, as depicted in Figures 3 and 6B. Figure 3, shown below, clearly illustrates perforations 11 in the strip 24. As shown in Figure 3, the opposite side of the flap does not include perforations or apertures. Accordingly, the first elastic material, to which the strip is attached, would be exposed through the perforations.



**Figure 3**

In addition, the Office asserts that the phrase “the perforations being aligned to form parallel rows of the perforations” in claim 28 is not discussed in the specification. However, as discussed with the Examiner, Figures 3 (shown above) and 6B clearly illustrate parallel rows of perforations. In fact the horizontal rows of perforations may be considered and the angled rows could also be considered parallel. Accordingly, Applicants respectfully request withdrawal of this objection.

### **III. Claim Objections**

Claims 22 and 46 are objected to as using the term “screenprinted” to describe how the strip is secured to the first surface of the cap. Claim 22 has been cancelled, thereby rendering this objection moot. Claim 46 has been cancelled and the subject matter included in independent claim 43. However, claim 43 has been amended to remove the term “screenprinted.” Accordingly, Applicants respectfully request withdrawal of this objection.

#### **IV. Claim Rejections Under 35 U.S.C. § 112**

Claims 18 and 28 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office asserts that the claims use the term “bonded” to describe how the elastic strip is secured to the cap and that this term was not previously disclosed in the applicants’ specification. *See* the Office Action at p. 3. Applicant respectfully disagrees.

Claims 18 and 28 recite a strip of elastic silicone that is bonded onto the flap. As discussed with the Examiner, Paragraph 33 of the specification recites that “various polymer materials may be bonded or otherwise secured to flap 25.” Accordingly, Applicants respectfully assert that there is sufficient support in the specification for use of the term “bonded” and request withdrawal of this rejection.

#### **V. Claim Rejections Based on Prior Art**

Claims 1, 2, 4, 6-12, 17-19, 22-25, 28, 30, 31, and 43-45 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,131,202 to Yan (“Yan”) in view of U.S. Patent No. 5,481,760 to Wood (“Wood”). Claims 13-16, 26, 27, 32, 33, and 47-51 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yan in view of Wood in further view of U.S. Patent Publication No. 2003/0226193 to Wang (“Wang”). Applicants hereby cancel these claims without prejudice or disclaimer, thereby rendering these rejections moot.

#### **VI. Conclusion**

In view of the foregoing, the Applicant respectfully submits that all claims are in a condition for allowance. The Applicant respectfully requests, therefore, that the rejections be withdrawn and that this application now be allowed.

Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for payment. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (202) 824-3000.

Respectfully submitted,

By: /Elizabeth A. Almeter/  
Elizabeth A. Almeter  
Registration No. 57,019

Banner & Witcoff, Ltd.  
1100 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
Telephone: (202) 824-3000

Dated: April 23, 2007